United Nations CRC/C/LCA/CO/2-4

Convention on the Rights of the Child

Distr.: General
8 July 2014

Original: English

Committee on the Rights of the Child

Concluding observations on the combined second to fourth periodic reports of Saint Lucia*

1. The Committee considered the combined second to fourth periodic reports of Saint Lucia (CRC/C/LCA/2-4) at its 1892nd and 1893rd meetings (see CRC/C/SR.1892 and 1893), held on 6 June 2014, and adopted, at its 1901st meeting (see CRC/C/SR.1901), held on 13 June 2014, the following concluding observations.

I. Introduction

2. The Committee welcomes the submission of the State party's combined second to fourth periodic reports. The Committee regrets that the written responses to the list of issues (CRC/C/LCA/Q/2-4/Add.1) were not provided by the State party. The Committee expresses appreciation for the constructive dialogue held with the high-level delegation of the State party.

II. Follow-up measures undertaken and progress achieved by the State party

3. The Committee welcomes the adoption of the following legislative measures:

(a) The Anti-Gang Act of 2014;

(b) The Labour Code of 2006, which was enacted in 2012;

(c) The Counter-Trafficking Act of 2010;

(d) The Amendment of 2008 to the Civil Code regarding the registration of children at birth;

(e) The revised Criminal Code of 2004.

4. The Committee also notes with appreciation the ratification of or accession to:

(a) The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, in 2014;

* Adopted by the Committee at its sixty-sixth session (26 May–13 June 2014).

GE.14-07765 (E)
1407765

Please recycle

(b) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in 2013;

(c) The United Nations Convention against Transnational Organized Crime, in 2013;

(d) The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, in 2013.

5. The Committee also welcomes the following institutional and policy measures:

(a) The Catch Up Campaign 2013 relating to the promotion of universal, free and timely birth registration of children;

(b) The National Strategic Plan for Health 2006–2011;

(c) The 2009 Poverty Reduction Strategy and Action Plan;

(d) Introduction of universal secondary education in 2006/2007;

(e) The Parenting Program project 2004/2005.

III. Main areas of concern and recommendations

A. General measures of implementation (arts. 4, 42 and 44 (6) of the Convention)

The Committee's previous recommendations

6. The Committee, while welcoming the State party's efforts to implement the Committee's concluding observations of 2005 (CRC/C/15/Add.258) on the State party's initial report (CRC/C/28/Add.23), notes with regret that many of the recommendations contained therein have not been fully addressed.

7. **The Committee urges the State party to take all necessary measures to address those recommendations from the concluding observations on the initial report (CRC/C/15/Add.258) under the Convention that have not been implemented or sufficiently implemented, particularly those related to training/dissemination of the Convention, corporal punishment, parental guidance and responsibilities, children deprived of a family environment, abuse and neglect, adolescent health, economic exploitation of children including child labour, sexual exploitation and abuse and juvenile justice.**

Legislation

8. The Committee notes that some of the recommendations of the Committee in its previous concluding observations are being addressed within the framework of the Organization of Eastern Caribbean States (OECS) and that the majority of draft bills have been submitted to the Government for consideration but have not yet been adopted. The Committee, however, is concerned at the slow rate of adoption and implementation of various child-related legislative measures relating to, inter alia, non-discrimination concerning children born out of wedlock, recognition of the role of both parents in the upbringing and development of children, abuse and neglect, family contact for children deprived of a family environment, adoption and juvenile justice.

9. **The Committee encourages the State party to take steps to develop a comprehensive legislative framework, fully compatible with the principles and**

provisions of the Convention, ensuring the effective implementation of child-related laws at the national, provincial and municipal levels. The Committee recommends that the State party:

(a) Ensure that all children in the State party enjoy equal rights under the Convention without discrimination and, towards that end, urges the adoption and implementation of legislation in line with the OECS model status of children bill to remove any distinction between children born within and outside marriage;

(b) Undertake the necessary legislative measures to ensure that mothers and fathers equally share the legal responsibility for their children, including using the OECS Status of Children Bill as a guide for the development of appropriate legislation, which provides for parents to have joint custody of the child, thereby recognizing the role of both parents in the upbringing and development of children;

(c) Take all necessary measures to prevent and combat child abuse and neglect, including adopting and implementing the necessary legislation and policies, in particular, legislation based on the OECS model Children (Care and Adoption) Bill, which provides for the care of, and protection of children from various forms of abuse, and the model Domestic Violence Bill;

(d) Undertake the necessary legislative measures to ensure the right of the child to contact or visit with his or her parent when the child is deprived of a family environment based on the OECS model Children (Care and Adoption) Bill;

(e) Recalling its previous recommendation in this regard (CRC/C/15/Add.258, para. 48), adopt legislation concerning the reform of the adoption system to bring it into line with the Convention, ensuring that the views of the child are taken into consideration as part of the adoption process, by using the OECS model draft Children (Care and Adoption) Bill as a guide;

(f) Undertake the necessary legislative reform to bring its laws into line with the Convention, using the OECS model Child Justice Bill, which is in accordance with articles 37 and 40 of the Convention, to guide the revision process and ensure that all persons under 18 are provided with the same protection and guarantees in the area of juvenile justice;

(g) The Committee also recommends that the State party seek technical assistance from the United Nations Children's Fund (UNICEF) to accelerate its review and enactment, without further delay, of legislation based upon the above-mentioned OECS model bills concerning children.

Comprehensive policy and strategy

10. The Committee welcomes the drafting of the strategic development document "The Future We Want for Children in Saint Lucia 2013–2020", which will form the basis of the National Development Plan, and information that the State party will finally be drafting a national plan of action for children. The Committee is concerned that the State party lacks a comprehensive policy and strategy to effectively monitor progress in the implementation of children's rights throughout the country.

11. **The Committee reiterates its previous recommendation (CRC/C/15/Add.258, para. 14) urging the State party to step up its efforts to develop and implement a comprehensive national plan of action for the full implementation of the Convention without further delay, including specific time-bound and measurable goals and targets to effectively monitor progress in the implementation of children's rights throughout the State party. The national plan of action should additionally be linked to national,**

sectoral and municipal strategies and budgets to ensure appropriate allocation of the human, technical and financial resources required for its implementation.

Coordination

12. While the Committee notes the establishment of the National Action Child Protection Committee (NACPC) in 2012, designated to be the coordinating body for government bodies and civil society in implementing the Convention, it is concerned that the NACPC lacks a clear mandate and the necessary authority and resources to effectively carry out its role as the permanent monitoring and evaluation mechanism with respect to all laws, policies and programmes relating to the rights of the child throughout the country.

13. **The Committee recommends that the State party provide the NACPC with sufficient authority and adequate human, technical and financial resources to effectively implement and coordinate comprehensive, coherent and consistent child-rights policies at all levels and to assess the impact of such policies and programmes on children's rights, including the development and implementation of a national plan of action for children without further delay.**

Allocation of resources

14. In the light of the current financial crisis and government spending cuts, the Committee notes the State party's efforts to allocate resources with a view to protecting the most vulnerable members of society, including children. The Committee also notes the Government's commitment to poverty reduction, notably through the 2009 Poverty Reduction Strategy Action Plan. The Committee is however concerned about the negative effects of austerity measures on public spending, in particular on benefits and services provided to families with children. The Committee is also concerned about the lack of data on the proportion of budgetary allocations for the implementation of children's rights under the Convention and information on the impact of austerity measures on children in the State party.

15. **In the light of its day of general discussion in 2007 on "Resources for the Rights of the Child – Responsibility of States" and with emphasis on articles 2, 3, 4 and 6 of the Convention, the Committee urges the State party to:**

(a) Conduct a comprehensive assessment of the needs of children in terms of budget allocations to cover their specific requirements and allocate adequate budgetary resources in accordance with article 4 of the Convention for the implementation of children's rights and, in particular, to increase the budget allocated to social sectors; and address disparities on the basis of indicators related to children's rights;

(b) Utilize a child-rights approach in the preparation of the State budget, with clear allocations for children in the relevant sectors and agencies, together with specific indicators and a tracking system;

(c) Establish mechanisms to monitor and evaluate the efficacy, adequacy and equitability of the distribution of resources allocated to the implementation of the Convention;

(d) Define strategic budgetary lines for children in disadvantaged or vulnerable situations who may require affirmative social measures, and make sure that those budgetary lines are protected even in situations of economic crisis and during natural disasters and emergencies, especially with respect to health and education;

(e) Provide disaggregated information on the proportion of the national budget allocated to the implementation of the rights of the child at the national and local levels.

Data collection

16. While welcoming the Multiple Indicator Cluster Survey and the National Population and Housing Census, as well as the introduction of the Child Health Passport, and noting that some data is collected by individual government ministries and departments and non-governmental organizations, the Committee is concerned that there is still no comprehensive mechanism for generating, collecting, analysing and coordinating data on the various aspects of children's lives. The Committee is also concerned that data are not sufficiently disaggregated for all areas covered by the Convention.

17. **The Committee urges the State party to establish the Central Database Registry, as previously recommended (CRC/C/15/Add.258, para. 20), ensuring a comprehensive and integrated data collection system on children, covering the entire period of childhood up to the age of 18. Furthermore, the Committee recommends that the data and indicators be shared among the government ministries and departments concerned and used for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention. In this context, the Committee also recommends that the State party strengthen its technical cooperation with, inter alia, UNICEF and regional mechanisms.**

Independent monitoring

18. While noting the limited role of the Parliamentary Commissioner and the State party's intention to appoint a Children's Advocate, the Committee is concerned that no independent monitoring body exists as yet.

19. **Taking into account the Committee's general comment No. 2 (2002) on the role of independent national human rights institutions in the promotion and protection of the rights of the child, the Committee reiterates its previous recommendation (CRC/C/15/Add.258, para. 16) that the State party take measures to expeditiously establish an independent mechanism for monitoring human rights, including a specific mechanism for monitoring children's rights. Furthermore, the Committee recommends that the State party ensure the independence of such a monitoring mechanism, with regard to its funding, mandate and immunities, so as to guarantee full compliance with the Paris Principles. To that effect, the Committee recommends that the State party seek technical cooperation from, inter alia, the Office of the United Nations High Commissioner for Human Rights (OHCHR), UNICEF and United Nations Development Programme (UNDP).**

Dissemination and awareness-raising

20. While noting the efforts to promote the Convention through public education programmes, by including human rights in the curricula at the primary and secondary school levels and through the media, the Committee is concerned that the Convention is not systematically disseminated among children, the public at large and professionals working with and for children. The Committee is also concerned that there is a degree of complacency within the broader society with respect to the importance of children's rights issues and the extent to which such rights ought to be prioritized.

21. **The Committee, recalling its previous recommendation in this regard (CRC/C/15/Add.258, para. 22), recommends that the State party continue to strengthen awareness-raising programmes among children, families and professionals**

working with and for children, particularly teachers, early childhood workers, health service personnel, lawyers, the judiciary and law enforcement officials.

Training

22. The Committee notes the efforts of the State party to participate in regional conferences on the rights of the child. However, it is concerned about the lack of information relating to training for professionals working with and for children.

23. **The Committee, recalling its previous recommendation in this regard (CRC/C/15/Add.258, para. 22), recommends that the State party step up its efforts to ensure systematic, mandatory and ongoing training on children's rights for professionals working with and for children, in particular parliamentarians, judges, magistrates, lawyers, law enforcement officials, civil servants, personnel working in institutions and places of detention for children, teachers, health personnel and social workers.**

B. General principles (arts. 2, 3, 6 and 12 of the Convention)

Best interests of the child

24. The Committee is concerned about the lack of information on the State party's efforts to ensure the right of the child to have his or her best interests taken into account as a primary consideration in all actions concerning children, and to apply that right in all legislation, administrative and judicial proceedings, policies and programmes relating to children.

25. **The Committee draws the State party's attention to its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration and recommends that the State party step up its efforts to ensure that this right is appropriately integrated and consistently applied in all legislation, administrative and judicial proceedings, and policies, programmes and projects relevant to, and with an impact on, children. In this regard, the State party is encouraged to develop procedures and criteria to provide guidance to all relevant persons in authority for determining the best interests of the child in every area and for giving them due weight as a primary consideration. Such procedures and criteria should be disseminated to public and private social welfare institutions, courts of law, administrative authorities, legislative bodies and the public at large.**

Respect for the views of the child

26. The Committee notes the State party's efforts to ensure respect for the views of the child through its National Youth Policy, the Youth Parliament, the National Youth Council and National Student Councils, as well as in judicial proceedings with respect to juvenile justice, custody, evidence and protection of witnesses. The Committee is concerned, however, that respect for the views of the child is not adequately implemented in practice in all relevant areas and at the national and local levels.

27. **The Committee, in light of its general comment No. 12 (2009) on the right of the child to be heard, recommends that the State party take measures to strengthen this right in accordance with article 12 of the Convention. To that effect, it recommends that the State party:**

(a) Take measures to ensure the effective implementation of legislation recognizing the right of the child to be heard in relevant legal proceedings, including

by establishing systems and/or procedures for social workers and courts to comply with the principle:

(b) Conduct programmes and awareness-raising activities to promote the meaningful and empowered participation of all children within the family, the community and schools, including within student council bodies, with particular attention to boys and children in vulnerable situations.

C. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39 of the Convention)

Corporal punishment

28. The Committee notes efforts to address the issue of corporal punishment, such as the recent national consultations on the abolition of corporal punishment, and the project "Fostering the positive behavioural management of children in inclusive child-friendly classrooms in Saint Lucia", which includes parenting skills training and training for principals and teachers. The Committee, however, reiterates its concern that corporal punishment is still seen as a lawful way of disciplining children, both under the 1972 Children and Young Persons Act and the 1999 Education Act; that corporal punishment continues to be practised within the family, schools and in institutions; and is widely accepted in society (CRC/C/15/Add.158, para. 34).

29. **In line with its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, and general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, the Committee recommends that the State party:**

(a) Step up and expand its efforts through awareness-raising campaigns to inform the public in general about the negative impact of corporal punishment on children and actively involve children and the media in the process;

(b) Promote positive, non-violent and participatory forms of child-rearing and discipline as an alternative to corporal punishment, and expand parenting education programmes and training for principals, teachers and other professionals working with and for children, and especially the Child Friendly School project;

(c) Finally amend its legislation to explicitly prohibit corporal punishment in the family, schools and institutions.

Abuse and neglect

30. The Committee notes that the State party has undertaken initiatives to conform to the Committee's previous recommendations (CRC/C/15/Add.258, para. 50), including the introduction of a child helpline, training workshops on abuse and neglect for teachers, principals, judges, magistrates, lawyers, court prosecutors, religious leaders, community workers and parents and children, as well as widespread public sensitization campaigns. The Committee is, however, concerned about the increase in the number of cases of child abuse and neglect, insufficient training, in particular for child protection social workers and the police, and insufficient support for victims of abuse and neglect. It is also concerned about the lack of a comprehensive strategy and insufficient government coordination regarding children in need of protection.

31. **The Committee recommends that the State party:**

(a) Take all necessary measures to prevent and combat child abuse and neglect in all settings, including adopting and implementing the necessary legislation

and policies without delay, in particular the Protocol for the Management of Child Abuse and Neglect and the Royal Saint Lucia Police Force Child Protection Manual;

(b) Ensure that all professionals and staff working with and for children are provided with the necessary training and supervision and are subject to background checks, as well as provide systematic training to judges, prosecutors, police and other law enforcement officers on how to prevent and monitor domestic violence and receive, investigate and prosecute complaints about such violence in a child-friendly and gender-sensitive manner;

(c) Facilitate the physical and psychological rehabilitation of victims and ensure access for them to health services, including mental health services;

(d) Establish a national database on all cases of abuse and neglect of children, and undertake a comprehensive assessment of the extent, causes and nature of such violence, with a view to formulating a national strategy for preventing and combating child abuse and neglect;

(e) As part of the national strategy, establish easily accessible mechanisms for children and others to report cases of abuse and neglect and ensure the necessary protection for such victims; strengthen public awareness-raising programmes and provide information, parental guidance and counselling to prevent domestic violence against children; encourage children who are victims, as well as teachers, doctors, social workers and other caregivers to report incidents of such violence to the police; and ensure the allocation of adequate human, technical and financial resources to implement the national strategy, including expanding the hours of operation of the Child Helpline to 24 hours per day/7 days per week;

(f) Strengthen government coordination to ensure the effective implementation of the national strategy for preventing and combating child abuse and neglect.

Sexual exploitation and abuse

32. While noting that the State party has undertaken initiatives to address child sexual exploitation and abuse, including participation in Caribbean Community (CARICOM) regional meetings, training workshops on child sexual abuse, and widespread public sensitization campaigns, including the "Break the Silence" campaign, the Committee is concerned about the high level of incest and sexual abuse of boys and girls in the State party, and, in particular, the following:

(a) Incidents of child sexual abuse appear to be on the increase, the practice of perpetrators paying parents to drop cases of child sexual abuse is continuing, and there is insufficient support for victims of sexual abuse;

(b) While there is a stipulated age of consent for girls with regard to sexual relations, there is not one for boys, which puts them at increased risk of sexual exploitation and abuse;

(c) The revised Criminal Code of 2004 limits the reporting of child sexual abuse to that committed against "young persons" and therefore does not protect children under 12 years of age from sexual abuse and other forms of child abuse and neglect;

(d) Lack of information on laws, policies, measures, and resources for preventing and combating child sexual abuse, as well as ongoing training for all professionals on the subject.

33. **The Committee recommends that the State party:**

(a) Ensure that acts of sexual abuse and exploitation are effectively investigated, that the perpetrators are brought to justice and that out-of-court settlements involving financial arrangements between perpetrators of child sexual abuse and parents of child victims are prohibited;

(b) Provide accessible, confidential, child-friendly and effective complaint procedures for sexual abuse and exploitation, continue the self-empowerment programmes for children; and conduct awareness-raising activities to combat the stigmatization of victims of sexual exploitation and abuse, including incest;

(c) Develop programmes and policies for the prevention, recovery and social reintegration of child victims, in accordance with the outcome documents adopted at the 1996, 2001 and 2008 World Congresses against Sexual Exploitation of Children held in Stockholm, Yokohama, Japan, and Rio de Janeiro, Brazil, respectively;

(d) Review all sexual offences legislation with a view to ensuring conformity with the Convention, including setting an age of consent for boys, to protect them from sexual exploitation and abuse;

(e) Establish mechanisms, procedures and guidelines to ensure mandatory reporting of cases of child sexual abuse and exploitation, including by revising the Criminal Code to ensure that mandatory reports include all forms of abuse and neglect of all children, including those under 12 years of age;

(f) Ensure that all professionals and staff working with and for children are given the necessary training, supervision and background checks; and provide systematic training to law enforcement officials, social workers and prosecutors on how to receive, monitor, investigate and prosecute complaints in a child- and gender-sensitive manner that respects the privacy of the victim, and ensure that child protection agencies are adequately staffed and funded;

(g) Provide detailed information in the next periodic report on the legislative framework, policies, measures and resources for preventing and combating child sexual abuse.

Gang violence

34. Noting the efforts of the State party to address the problem of gang violence, including through providing life skills training to children, introducing community policing, and placing police in schools, the Committee is concerned that the climate of fear, insecurity, threat and violence linked to gangs in the State party impedes children from enjoying their childhood and adolescence. The Committee also notes with concern that insufficient attention is being paid by the State party to the root causes of this phenomenon.

35. **The Committee recommends that the State party develop a comprehensive public policy to deal with this problem, addressing the social factors and root causes of juvenile violence and gangs, such as, inter alia, social exclusion, lack of opportunities, a culture of violence and migration flows. The Committee also recommends that the State party invest in prevention activities, with an emphasis on the school, the family and social inclusion measures.**

D. Family environment and alternative care (arts. 5, 9–11, 18(1) and (2), 20, 21, 25 and 27 (4) of the Convention)

Family environment

36. While welcoming the social support programmes for families, including the Parenting Program initiative and the Roving Caregivers Programme, the Committee is concerned that many families, in particular those in situations of poverty, face food insecurity and lack appropriate assistance in the performance of their child-rearing responsibilities, especially in the form of family counselling and parenting education programmes. The Committee is also concerned about inadequate financial support and accessible early childhood education and care for young children.

37. **The Committee recommends that the State party:**

(a) Step up its efforts to render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities, in particular in situations of poverty and especially in rural areas, including by strengthening the system of family benefits and child allowances, and other services, such as accessible early childhood education and care;

(b) Develop and implement the National Parenting Programs, taking into consideration the challenges and risk factors including poverty, unemployment, domestic violence, substance abuse, low self-esteem and illiteracy that may negatively impact parenting capacity-building or may perpetuate parenting vulnerabilities; and expand family counselling and parenting education programmes, and other programmes, including the Roving Caregivers Programme and the Extended Early Childhood Health Outreach programme.

Children deprived of a family environment

38. The Committee welcomes the opening of the New Beginnings Transit Home for victims of child abuse and severe neglect in 2011, and the various draft policies and operation manuals to promote best practices in the provision of alternative care for children deprived of a family environment, including adoption. The Committee is however concerned that the State party has not yet enacted legislation to ensure effective monitoring of the conditions of alternative care, and has no provisions to promote family-based alternative care for children deprived of their biological family environment. The Committee is also concerned about conditions at the Boys Training Centre, the fact that boys in need of protection and deprived of a family environment are mixed with boys in conflict with the law, and about the lack of adequate facilities for girls in need of protection, as well as the lack of coordination among relevant government ministries and departments relating to child protection. The Committee is further concerned that the State party has not yet ratified the 1993 Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption.

39. **The Committee recommends that the State party:**

(a) Ensure periodic review of the placement of children in foster care and children's homes, and monitor the quality of care therein, including by providing accessible channels for reporting, monitoring and remedying maltreatment of children, and by finalizing and adopting as a priority the Foster Care and Adoption Policy and Operations Manual, the Policy and Operations Manual for the Registration Guidance and Inspection for Children's Homes and the National Minimum Standards for Children's Homes;

(b) Increase its efforts to ensure that children in need of alternative care are placed in family-type care rather than in institutions, and that they maintain contact with, or are returned to, their families whenever possible;

(c) In cases where institutional care is unavoidable, ensure that adequate facilities exist for both boys and girls in need of protection, and that children in need of protection are not mixed with children in conflict with the law;

(d) Strengthen coordination among all relevant government ministries and departments with a view to establishing a more integrated child protection system;

(e) Consider ratifying or acceding to the 1993 Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption.

E. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1–3) and 33 of the Convention)

Children with disabilities

40. The Committee notes the development of a draft National Policy for Persons with Disabilities (2006), the establishment of five Special Education Centres, the opening of the Dennery Child Development Centre, and the provision of various services. The Committee is nonetheless concerned:

(a) That the necessary legislative and policy reforms to secure the rights and active participation of children with disabilities in all spheres of society have not taken place, including adoption and implementation of the draft National Policy for Persons with Disabilities; and at the lack of public awareness of the rights of children with disabilities;

(b) That training for teachers who work with children with disabilities is insufficient;

(c) That children with disabilities are not effectively integrated into all areas of social life;

(d) That sufficient and adequate facilities for children with disabilities, including schools, sports and leisure facilities and residential facilities, are lacking.

41. **In the light of article 23 of the Convention and of its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to adopt a human rights-based approach to disability and specifically recommends that it:**

(a) Continue to increase its efforts to promote and protect the rights of children with disabilities, including by adopting and implementing the National Policy for Persons with Disabilities without further delay;

(b) Ensure that schools provide inclusive education, that both schools and care facilities are adequately staffed and funded, and that children with disabilities are treated with dignity and respect and can benefit from effective protection;

(c) Ensure that training is provided for professionals working with children with disabilities, such as teachers, social workers and health, medical, therapeutic and care personnel, and undertake sustained public awareness campaigns to familiarize the public and other stakeholders with the rights of children with disabilities and with the National Policy for Persons with Disabilities;

(d) Take all the necessary measures to ensure that children with disabilities are fully integrated into all areas of social life, including schools, sports and leisure

activities, and that facilities and other public areas are accessible for children with disabilities.

Health and health services

42. The Committee welcomes the information that the State party has made advances in promoting children's health, and notes the progress regarding the overall quality of health service provision, the Child and Adolescent Health Programme, and Health and Family Life Education curriculum (HFLE). The Committee is, however, concerned about the state of prenatal and postnatal care, the increase in the number of children born with low birth weight, the increasing infant mortality rate, and the large number of children classified as overweight or obese. The Committee is also concerned about the lack of education programmes for basic child health, and the lack of developmental paediatricians for children with developmental disabilities on the island.

43. **The Committee, in light of its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health (art. 24), and recalling its previous recommendation (CRC/C/15/Add.258, para. 56), recommends that the State party:**

(a) Continue to increase efforts to ensure adequate provision of prenatal and postnatal care, and address the increasing number of children born with low birth weight, the increasing infant mortality rate, and obesity among children, through awareness-raising efforts, and the reasons for these trends;

(b) Continue the dissemination of health information and the promotion of health education regarding basic child health to all segments of society;

(c) Increase the number of, and coverage by, trained professionals providing services to children with developmental disabilities on the island.

Mental health

44. The Committee welcomes the construction of the Saint Lucia National Mental Wellness Centre, and that the State party has undertaken a review of its mental health system. The Committee is concerned however about the delay in adoption and implementation of the draft Mental Health Policy, 2007. It is furthermore concerned about the insufficient number of specialists in children's mental health and of facilities and outpatient services for psychosocial rehabilitation, especially in relation to depression and suicide attempts.

45. **The Committee, referring to its general comment No. 4 (2003) on adolescent health and development in the context of the Convention, recommends that the State party strengthen available quality services and programmes of mental health for children and, in particular:**

(a) Adopt without further delay the draft 2007 Mental Health Policy and ensure that it contains a clear focus on the mental health of children and adolescents, and also ensure its effective implementation by allocating adequate funding and resources, in particular to the Saint Lucia National Mental Wellness Centre;

(b) Implement a multidisciplinary approach to the treatment of psychological and psychosocial ill-health and disorders among children by establishing an integrated system of child mental health care that involves parents, the family and schools, as relevant;

(c) Take measures to increase the number of specialists in children's mental health and ensure adequate facilities for both boys and girls, as well as outpatient services for psychosocial rehabilitation.

Adolescent health

46. The Committee welcomes the information that a comprehensive, life skills-based programme entitled Health and Family Life Education (HFLE) is part of the curricula in all primary and secondary schools, covering such areas as interpersonal relations, sexuality, sexual health, eating and fitness. The Committee also welcomes information that teenage pregnancies have been declining. The Committee is however concerned that:

(a) No comprehensive study to assess the nature and scope of adolescent health problems has been undertaken by the State party;

(b) The fact that 16- and 17-year-olds cannot access sexual and reproductive health-care services without parental consent and the still high rate of teenage pregnancies;

(c) Sexually transmitted infections among adolescents are prevalent, and the rate of HIV/AIDS is increasing.

47. **Referring to its general comment No. 4 (2003) on adolescent health and development in the context of the Convention on the Rights of the Child, the Committee recommends that the State party:**

(a) Undertake a comprehensive study to assess the nature and extent of adolescent health problems, with the full participation of adolescents, as a basis for future health policies and programmes;

(b) Increase the availability of confidential and youth-friendly health services throughout the country, and ensure the availability of contraceptive services to adolescents without parental consent;

(c) Promote age-appropriate education targeted at adolescents, with special attention to the prevention of teenage pregnancies and sexually transmitted infections, including HIV/AIDS, and undertake public education campaigns about sexual and reproductive health issues targeted at all segments of society, in particular, rural communities and poor households.

Drug and substance abuse

48. The Committee notes that drug prevention education is a component of the Health and Family Life Education Programme (HFLE), which is part of the curricula in all primary and secondary schools. It also notes the increase in awareness-raising campaigns through the media and other initiatives. The Committee is concerned, however, at the high prevalence of alcohol abuse and drug use by adolescents, insufficient education programmes and campaigns to prevent alcohol abuse and drug use, insufficient training of professionals working with adolescents at risk and the lack of treatment facilities for children.

49. **The Committee, referring to its general comment No. 4 (2003) on adolescent health and development in the context of the Convention on the Rights of the Child, recommends that the State party strengthen measures to address alcohol abuse and drug use by children and adolescents, through education programmes and campaigns to promote healthy lifestyles and to prevent the alcohol abuse and the use of illegal drugs; the provision of life-skills education and the training of teachers, social workers and other relevant officials; and provide proper access to effective structures**

and procedures for treatment, counselling, recovery and social reintegration, as previously recommended by the Committee (CRC/C/15/Add.258, para. 69).

Standard of living

50. The Committee notes that the State party implements a number of targeted social assistance programmes, and welcomes the information that the Ministry of Social Transformation, Local Government and Community Empowerment has initiated child- and gender-sensitive social protection reform. The Committee however is concerned about the increasing percentage of households classified as poor, that the social safety net does not adequately protect children and single parents, and that children are increasingly at risk of poverty, which affects the enjoyment of many of the rights protected by the Convention, including the rights to health, education and social protection.

51. **The Committee urges the State party:**

(a) To step up its efforts to address, in both the short and long term, the high level of child poverty, including in those efforts the design of public policies and a national plan to combat child poverty;

(b) To adopt the draft National Social Protection Policy, and implement the social protection reform initiatives of the Ministry of Social Transformation, Local Government and Community Empowerment with a view to establishing a coherent framework identifying priority action against the exclusion of children, with specific and measurable objectives, clear indicators, deadlines and sufficient economic and financial support;

(c) To work in partnership with UNICEF and other development agencies to promote a comprehensive and coherent strategy to guarantee children a minimum level of access to basic services and financial security, and create a nationally defined social protection floor, as part of the Social Protection Floor initiative of the United Nations.

Impact of climate change on the rights of the child

52. While noting as positive that the State party has introduced a National Climate Change Policy and Adaptation Plan, the Committee is concerned at the adverse impact of climate change and natural disasters on the rights of the child, including the rights to education, health, adequate housing, safe and drinkable water and sanitation, inter alia. It is also concerned that natural disasters have the potential to undermine the social safety net of Saint Lucia, with negative consequences for children and families exposed to poverty.

53. **The Committee recommends that the State party develop strategies to reduce the vulnerabilities and risks for children and families which may be produced or exacerbated by climate change, including by mainstreaming child-specific and child-sensitive risk and vulnerability reduction strategies into its National Climate Change Policy and Adaptation Plan, and by strengthening its social safety nets and social protection framework so as to more effectively mitigate the multiple social, economic and environmental impacts of climate change.**

F. Education, leisure and cultural activities (arts. 28, 29, 30 and 31 of the Convention)

Education, including vocational training and guidance

54. The Committee welcomes the increase in enrolment in secondary schools, the decrease in drop-out rates among secondary school students, and programmes targeting underprivileged children and children at risk of dropping out of school. The Committee also notes the efforts of the State party to provide universal access to early childhood education for all children in the State party. The Committee is nevertheless concerned about insufficient access to education for the most disadvantaged, including children with learning disabilities, children from low-income families, and children in rural areas; the still high drop-out rates, especially among boys; and the lack of programmes to support underprivileged children and children at risk of dropping out of school. It is also concerned about the lack of information on teenage mothers returning to school; early childhood care and the low number of children aged 0 to 5 who have access to early childhood education; and the regulation of preschool centres that are privately owned.

55. **Taking into account its general comment No. 1 (2001) on the aims of education, the Committee recommends that the State party:**

(a) Take the necessary measures to improve the accessibility and quality of education for all children, and provide quality training for teachers, including through the establishment and strengthening of policy frameworks and guidelines, with particular emphasis on rural areas, and mainstream gender equality policies in the education sector, ensuring that gender issues and sensitivity training are made an integral, substantive and mandatory component of all teacher training at all levels;

(b) Step up efforts to reduce the premature dropout rate, especially among boys, including addressing the reasons behind the non-completion of schooling;

(c) Develop and promote quality vocational training to enhance the skills of children and young people, especially those who drop out of school;

(d) Ensure that pregnant teenagers and adolescent mothers are supported and assisted in continuing their education in mainstream schools;

(e) Allocate sufficient financial resources for the development and expansion of early childhood education by implementing the Early Childhood Policy, ensuring access to quality early childhood development programmes and preschool education for all children, in particular in low-income and rural areas, and ensure that privately owned preschools are subject to government regulation and inspections.

G. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)–(d), 38, 39 and 40 of the Convention)

Children in situations of migration

56. The Committee is concerned about the impact of migration on children, especially those left behind, as well as challenges in securing maintenance from parents who may have migrated abroad. The Committee is also concerned about children of foreign migrants in Saint Lucia, especially those who are undocumented, and the challenges and discrimination that they may face in accessing education, health services and other social services.

57. **The Committee recommends that Saint Lucia undertake a comprehensive study on all aspects of migration's impact on children in the country and the role of**

child protection and social protection systems in providing services for children impacted by migration. It also recommends that the State party develop national policy and guidelines for all ministries, agencies and departments providing services to children of migrants, and all children impacted by migration, including measures to secure maintenance from parents working abroad. The Committee further recommends that the State party take all necessary measures to ensure the recovery of maintenance from abroad by entering into bilateral agreements with the major States of employment of Saint Lucian migrant workers and also ratify all the Hague Conventions and other conventions on the subject.

Economic exploitation, including child labour

58. The Committee notes that the Labour Code of 2006 sets the minimum age of employment for children at 16 years of age, bringing it in line with the Education Act of 1999. The Committee, however, reiterates its concern about the persistence of child labour in the informal economy (CRC/C/15/Add.258, para. 66).

59. **The Committee recommends that the State party:**

(a) Take measures to prevent children from being economically exploited, by adopting legislation and policies to address child labour in the informal economy, ensuring compliance with article 32 of the Convention and relevant International Labour Organization (ILO) standards, as well as by collecting data to adequately assess the situation of child labour in Saint Lucia;

(b) Strengthen programmes aimed at preventing child labour as well as the capacity of the labour inspectorate to effectively monitor the implementation of child labour laws and places of work, especially in the informal sectors;

(c) Raise awareness on the negative consequences of child labour through public educational programmes, including campaigns organized in cooperation with opinion leaders, families and the media;

(d) Ratify ILO Convention No. 138 (1973) concerning Minimum Age for Admission to Employment;

(e) Seek technical assistance from the ILO International Programme on the Elimination of Child Labour.

Sale, trafficking and abduction

60. The Committee notes that the State party is a destination country for persons subjected to forced prostitution and labour exploitation, and is concerned about indications that children under 18 are coerced to engage in commercial sex in the State party. It is also concerned that national legislation does not appear to contain any provisions prohibiting the use of, or procuring of a child under 18 years of age for the production of pornography or for pornographic performances.

61. **The Committee recommends that the State party step-up implementation of the Counter Trafficking Act of 2010 and step up its efforts to combat child trafficking for purposes of sexual exploitation and forced labour. The Committee also recommends that the State party establish a monitoring mechanism for the investigation and redress of such abuse, with a view to improving accountability, transparency and the prevention of violations to the Convention, as well as ensure the effective prosecution and punishment of those who exploit children for purposes of prostitution, forced labour or pornography.**

Administration of juvenile justice

62. The Committee welcomes the various initiatives to assist children in conflict with the law, including plans for the construction of a new facility to replace the Boys Training Centre. The Committee also welcomes the training programmes undertaken for legal administrators, social workers, probation officers, police officers, prosecutors and judges dealing with children in conflict with the law, and the development of a court-based diversion programme. The Committee is, at the same time, concerned:

(a) That the age of criminal responsibility, which stands at 12, is not clearly established in all relevant legislation;

(b) That truancy and vagrancy continue to be classified as status offences;

(c) That the Criminal Code provides that 16- and 17-year-old children may be tried as adults, sentenced to life imprisonment, and may also be subject to the death penalty;

(d) At the increase in children engaging in more serious criminal activities;

(e) At the lack of alternative sentencing for children who are in conflict with the law;

(f) At the lack of facilities to accommodate girls in conflict with the law;

(g) At the insufficient access to adequate and effective rehabilitation services.

63. **The Committee urges the State party to bring its juvenile justice system into line with the Convention, in particular its articles 37, 39 and 40, and with other relevant standards, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules), the United Nations Guidelines for Action on Children in the Criminal Justice System, the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, and the Committee's general comment No. 10 (2007) on children's rights in juvenile justice. In particular, the Committee urges the State party to:**

(a) Implement the Juvenile Justice Reform Project and the necessary reforms to ensure that all persons under 18 are provided with the same protection and guarantees in the area of juvenile justice, ensuring that the age of criminal responsibility is set at 12 in all relevant legislation, and abolishing truancy and vagrancy as status offences in the legislation;

(b) Modify existing legislation so that children aged 16 or 17 at the time of commission of a crime are not tried and sentenced as adults, and abolish the provisions of the law which allow for the imposition of a life sentence or the death penalty on such children;

(c) Adopt a holistic and preventive approach to addressing the problem of juvenile offenders and the underlying social factors, with a view to supporting children at risk at an early stage, including early intervention programmes;

(d) Promote alternative measures to detention, taking into consideration gender-differentiated programmes for boys and girls in conflict with the law, such as diversion, probation, mediation, counselling or community service, wherever possible, and ensure that detention is used as a last resort and for the shortest possible period of time and that it is reviewed on a regular basis with a view to its withdrawal;

(e) In cases where detention is unavoidable, ensure that adequate facilities exist for children in conflict with the law, especially girls, that children are not

detained together with adults, and that detention conditions meet international standards, including with regard to access to education and health services;

(f) Provide effective rehabilitation services, including access to mental health counselling and substance abuse treatment, as well as effective social skills development and education, including vocational training programmes;

(g) Make use of the technical assistance developed by the Interagency Panel on Juvenile Justice and its members, and seek technical assistance in the area of justice from members of the Panel.

H. Ratification of international human rights instruments

64. The Committee recommends that the State party, in order to further enhance the fulfilment of children's rights, ratify the amendment to article 43(2) of the Convention on the Rights of the Child and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, as well as the core human rights instruments to which it is not yet a party, namely, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Rights of Persons with Disabilities and the International Convention for the Protection of All Persons from Enforced Disappearance.

I. Cooperation with regional and international bodies

65. The Committee recommends that the State party continue its cooperation with the Organization of Eastern Caribbean States (OECS) and the Caribbean Community (CARICOM) towards the implementation of the Convention and other human rights instruments, both in the State party and in other OECS and CARICOM member States.

J. Follow-up and dissemination

66. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the combined second to fourth periodic reports, the written replies of the State party and the present concluding observations be made widely available in the languages of the country.

K. Next report

67. The Committee invites the State party to submit its combined fifth and sixth periodic report by 20 July 2020 and to include in it information on the implementation of the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 1 October 2010 (CRC/C/58/Rev.2 and Corr. 1), and should not exceed 21,200 words (please see General Assembly resolution 68/268, adopted on 9 April 2014, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the

State party is not in a position to review and resubmit the report, translation of the report for purposes of examination by the treaty body cannot be guaranteed.

68. The Committee also invites the State party to submit an updated core document in accordance with the requirements of the common core document in the harmonized guidelines on reporting, approved at the fifth Inter-Committee Meeting of the human rights treaty bodies in June 2006 (HRI/MC/2006/3). The word limit is 42,400 words, as established by the General Assembly in its resolution 68/268 (para. 16).